



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/510,449

04/05/2005

Bertrand Bouvet

0512-1232

2431

466 7590 07/22/2008

YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA, VA 22314

EXAMINER

NICKERSON, JEFFREY L

ART UNIT

PAPER NUMBER

2142

MAIL DATE

DELIVERY MODE

07/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/510,449	Applicant(s) BOUVET, BERTRAND	
	Examiner JEFFREY NICKERSON	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to Application No. 10/510,449 filed nationally on 05 April 2005 and internationally on 04 April 2003. The amendment presented on 09 June 2008, which provides change to claims 1-19 and the specification, and adds claim 20, is hereby acknowledged. Claims 1-20 have been examined.

Drawings

2. The amendment presented on 09 June 2008 adding reference numbers to the specification is noted. All prior objections to the drawings are hereby withdrawn. However, a new objection is being made.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(o) because Figures 1-4 they do not contain legends or object labels that adequately indicate what the drawings consist of without referring in detail to the specification. For applicant's figures 2 and 4, see, for example, previously cited US 5,740,075 (Figures 10-14B) or US 2002/0056002 (Figure 5) for adequate communication sequence labeling.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being

amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. **The objection to the drawings will not be held in abeyance.**

Specification

4. The amendment presented on 09 June 2008 providing change to the specification is noted. All prior objections to the specification are hereby withdrawn.

Response to Arguments

5. Applicant's arguments regarding claim 1 have been fully considered but they are not persuasive, in part.

6. Applicant's arguments regarding claim 1 have been fully considered and are persuasive, in part.

Independent claim 1

Applicant argues that Levergood (US 5,708,780) does not teach the following limitation:

"a catalog of usable access instruments accessible by a user ... for selection, by this user, of one of these access instruments."

Art Unit: 2142

The examiner respectfully disagrees. Levergood teaches that a person has the potential to log onto the system as any one of the users of the catalog of users, using user profile information such as username, password, and other authentication information (Levergood: col 6, line 36 – col 7, line 13). Furthermore, the user can select between any one of the user profiles and use it to log in, simply by changing the username and password (or other required access information). Therefore, Levergood teaches a catalog of usable access instruments accessible by the user for selection, by this user, of one of the access instruments.

Applicant's arguments regarding Levergood not teaching various limitations, as amended, of claim 1 are persuasive.

Therefore, the rejection of this claim is hereby withdrawn.

Dependent claims 2-19

Applicant argues these claims conditionally on their parent independent claim and therefore applicant's arguments are persuasive.

Therefore, the rejections of these claims are hereby withdrawn.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1-10, 13-16, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levergood et al (US 5,708,780), and further in view of Hopkins (US 5,999,624).

Regarding claim 1, Levergood teaches a data exchange system (Levergood: Figure 1) over a data transfer network (Levergood: Figure 1, item 10) between a receiver station (Levergood: Figure 3, item 50) and a data server with conditional access (Levergood: Figure 3, item 52), in which the data exchanges over the network are managed and authorized by a control server (Levergood: Figure 3, item 54), wherein said control server is associated with:

automatic means forming (authentication server) catalog (database) of usable access instruments (user login profiles) accessible by a user of said receiver station for the selection, by this user, of one of these access instruments (Levergood: col 6, lines 58-65 specify examining the account database, which is full of user profiles that are potentially accessible by a user);

automatic means for determining corresponding parameters (authentication server creating SIDs) for control of the data exchanges (pages) over said network

(Levergood: col 6, lines 65-66 specify the generation of a SID which controls data exchange; col 3, lines 33-37 specify the parameters in a SID);

automatic means of data exchange control (authentication server using SIDs) over this network according to the parameters thus determined (Levergood: col 7, lines 15-20 specify initiating, and thus controlling, the transfer based off the SID).

Levergood does not teach:

means for access to at least two different management servers;

each of said access instruments being associated with a respective user management server; and

means for exchanging information with the user management server associated with the selected access instrument.

Hopkins, in a similar field of endeavor, teaches:

means for access to at least two different management servers (banking networks) (Hopkins: col 1, lines 39-55 provides for connecting to two separate banking networks, PLUS and Cirrus);

a catalog of selectable access instruments and each of said access instruments being associated with a respective user management server (Hopkins: col 9, lines 5-30 provides that depending on the user's payment method, i.e. Mastercard versus Visa, the system will communicate with the corresponding banking network);

means for exchanging information with the user management server associated with the selected access instrument (Hopkins: col 9, lines 5-46 provide for identifying

the correct financial authentication network and then sending the encrypted PIN for verification).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Hopkins for charging for controlled services, allowing users to select a payment method, and interfacing to the correct payment method verification server/system. The teachings of Hopkins, when implemented in the Levergood system, will allow one of ordinary skill in the art to conditionally control access to content and bill users for services while verifying their variety of payment options. One of ordinary skill in the art would be motivated to utilize the teachings of Hopkins in the Levergood system in order to attract more users by allowing them to pay with multiple payment methods.

Regarding claim 2, the Levergood/Hopkins system teaches wherein said means of forming a catalog of usable access instruments comprises:

storage means (database) comprising a predetermined list of access instruments (user profiles or payment methods, ie. credit card types) authorized for access to said conditional access data (controlled pages) (Levergood: Figure 3, item 58; Levergood: col 7, lines 62-67 specifies that the account database is authenticated against);

data acquisition means relating to the constitution and operation of the system and of the elements composing it (Levergood: col 6, lines 58-65 specifies the other information stored that relates to the system and clients, such as IP addresses, which provides it is acquired at some point); and

means of establishment of the catalog of usable access instruments from at least said list of authorized instruments and of said acquired data relating to the system (Levergood: col 6, lines 58-65 specify that user profiles and other information such as IP addresses are stored in the account database).

Regarding claim 3, Levergood/Hopkins system teaches wherein said acquisition means of analysis of the receiver station, suitable for delivering:

data relating to the nature of the receiver station (Levergood: col 6, lines 58-65 specify that user IP addresses are stored, providing they are delivered at some point);
or

data relating to the exchange capabilities of the receiver station (Levergood: col 6, lines 58-65 specify that user IP addresses are stored, providing they are delivered at some point).

Regarding claim 4, the Levergood/Hopkins system teaches wherein said acquisition means comprise means of connection between the receiver station and the network, suitable for delivering:

data relating to the means of connection between the receiver station and the network (Levergood: col 6, lines 58-65 specify that the user IP addresses are stored, which inherently relate to the connection of the client); or

data relating to the time of the exchanges (Levergood: col 3, lines 33-37 specify the SID contains time expiration data and lines 44-47 specify that SID information is logged, providing that time information is delivered and then stored).

Regarding claim 5, the Levergood/Hopkins system teaches wherein said control server is associated with means of remote interrogation of said connection means to obtain said data (Levergood: col 3, lines 29-32 specify that the client is interrogated and then an SID is issued, which contains IP address information).

Regarding claim 6, the Levergood/Hopkins system teaches wherein said means of determining the exchange control parameters (authentication server) are connected to means of storing data concerning conditions of access (content server) to said data with conditional access and to means of storing (account database) exchange authorization data (user profile information) associated with the selected access instrument (user profile) to establish said exchange control parameters (Levergood: Figure 3; item 54 is connected to both item 52 and item 58).

Regarding claim 7, the Levergood/Hopkins system teaches wherein said means of determination of the exchange control parameters (authentication server) are also connected to means of supervision (URLS, redirections, and requests) of operation of the receiver station (client), (Levergood: Figure 3, item 54 connected to item 50) in order to receive, from said means, data relating to the state of activity or to the operation of

Art Unit: 2142

said receiver station (Levergood: col 6, lines 58-60 specify that the client sends a GET request, thereby indicating the client is notifying the authentication server that he is in a GET state and trying to obtain validation).

Regarding claim 8, the Levergood/Hopkins system teaches wherein said means of supervision are formed by software means (URLs) initially stored in the system and transmitted to said receiver station on which they reside throughout the data exchanges (Levergood: col 7, line 51 – col 8, line 13 specifies the authentication server sending a tagged URL redirection to the client, where the client then utilizes the URL to request the content from the content server using his browser. The URL would be maintained in the client browser throughout the transfer of the page.).

Regarding claim 9, the Levergood/Hopkins system teaches wherein said exchange authorization data associated with the selected access instrument correspond to one of the elements in the group consisting of:

temporal credit data, monetary credit data, fixed charge credit data, data volume credit data, and of billing data (Levergood: col 8, line 59 – col 9, line 6 specify that the client can prepay or enter payment information to subscribe for access and that an authorization indicator is embedded in the SID, prepayment implies that the authorization indicator is also kept in the account database and associated to user profiles).

Regarding claim 10, the Levergood/Hopkins system teaches wherein the user management server associated with the selected access instrument comprises at least one database containing said exchange authorization data associated with the access instruments (Hopkins: Figure 8 provides they maintain user's account information).

Regarding claim 13, the Levergood/Hopkins system teaches further comprising:

means of determining a user identifier associated with said access instruments in order to allow the identification by said user management server of a corresponding user account (Hopkins: Figure 8, steps 510 and 520).

Regarding claim 14, the Levergood/Hopkins system teaches wherein said means of determining a user identifier are automatic means of identification of the receiver station (Levergood: col 6, lines 36-44 specify that for varying levels of authentication can occur, some without prompting the user; col 6, lines 60-65 specify the user profile identification can occur using an IP address, providing it is automatic).

Regarding claim 15, the Levergood/Hopkins system teaches wherein said means of determining a user identifier are means of manually inputting an identifier (Levergood: col 6, lines 44-50 specify a higher-level authentication that prompts for a username and password; col 6, lines 60-65 specify the user profile identification can occur using password, providing it is manual).

Regarding claim 16, the Levergood/Hopkins system teaches further comprising:

means of debiting said exchange authorization data, associated with said used access instrument, in order to debit the data according to the data exchanges.

(Levergood: col 8, lines 67 – col 9, lines 6 specify the system can bill and charge users per document viewing and indicate it in the user information such as the SID).

Regarding claim 19, the Levergood/Hopkins system teaches wherein said data exchange control means are interrogated periodically by said receiver station in order to transmit to it or not an authorization for access to the data of said data server

(Levergood: col 6, lines 36-57 specify that the client is redirected from the content server to the authentication server every time it tries to access restricted content).

Regarding claim 20, this system claim contains limitations found within claim 1 and the same rationale of rejection is used, where applicable.

9. Claims 11-12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levergood et al (US 5,708,780), in view of Hopkins (US 5,999,624), and in further view of Riley et al (US 2002/0010800 A1).

Regarding claim 11, the Levergood/Hopkins system teaches wherein said user management server is a server that provides user management capabilities (Levergood: col 6, lines 60-65 specify that the account database contains user profiles).

The Levergood/Hopkins system does not teach wherein the server provides access to said data transfer network connecting said receiver station to said network.

Riley, in a similar field of endeavor, teaches a server (network access system) that provides access to said data transfer network connecting said receiver station (host computer) to said network (Riley: Figure 2 depicts the NAC is between the PC and the internet; Figure 1 in combination with Figure 3 depict the NAC provides access to both an un-trusted network and a private trusted network; See also [0052-0053]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Riley for managing the data connection between the receiver station and the network. The teachings of Riley, when implemented in the Levergood/Hopkins system, would allow for more secure access regulation between the receiver station and a potentially un-trusted network, or vice versa, between a potentially un-trusted receiver station and a private, trusted network. One of ordinary skill in the art would be motivated to utilize the teachings of Riley in the Levergood/Hopkins system in order to prevent “information leaking out” or “information leaking in” (Riley: [0006]).

Regarding claim 12, the Levergood/Hopkins/Riley system teaches a system characterized in that said user management server (Levergood: authentication server) is a server controlling the physical means of connection of the receiver station (Riley: Host computer CPU) to the data transfer network (Riley: private network) (Riley: Figure

4 depicts there is physical separation between the un-trusted network and the host CPU).

Regarding claim 18, the Levergood/Hopkins/Riley system teaches a system characterized in that said data exchange control means (Levergood's authentication server as Riley's NAC) are suitable for being interposed between said data server (Levergood's content server on Riley's private network) and said receiver station (Riley's host PC) in order directly to control all the data exchanges between them (Riley: [0030] specifies that the NAC restricts access from the host PC to certain devices/resources on the private network).

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levergood et al (US 5,708,780), in view of Hopkins (US 5,999,624), and in further view of Adam et al (US 2002/0181710 A1).

Regarding claim 17, the Levergood/Hopkins system teaches wherein said debiting means are accessible by said control server and the user management server (Levergood: col 8, line 67 – col 9, line 6).

Levergood does not teach wherein the debiting means comprise a debiting server connected to a telephone type network and wherein said debiting server is accessible through a programmable call controller.

Adam, in a similar field of endeavor, teaches wherein said debiting means comprise a debiting server (Adam: Figure 4, item 3 depict an administration server; Adam: abstract specifies it is for debiting) connected to another network of the telephone type (Adam: Figure 4, item 4) and accessible through a programmable call controller (Adam: abstract specifies a communication unit used by the point-of-sale (POS) merchant in order to initiate communication about the user to the administration server).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Adam for using a mobile phone administration server to debit user bank accounts. The teachings of Adam, when implemented in the Levergood system, would allow the authentication server to act as a POS merchant server and automatically debit accounts via a GSM network and administration server. One of ordinary skill in the art would be motivated to utilize the teachings of Adam in the Levergood system in order to “centralize the administration of merchant and customer accounts” (Adam: [0010]).

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY NICKERSON whose telephone number is (571)270-3631. The examiner can normally be reached on M-Th, 8:30-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. N./
Jeffrey Nickerson
Examiner, Art Unit 2142

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2142